

Order

Michigan Supreme Court
Lansing, Michigan

January 21, 2009

Marilyn Kelly,
Chief Justice

137194

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 137194
COA: 284737
Wayne CC: 04-011761-01

CARLOS DULEY,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the August 5, 2008 order of the Court of Appeals is considered. We DIRECT the Wayne County Prosecuting Attorney to answer the application for leave to appeal within 28 days after the date of this order. The prosecutor shall pay particular attention to the defendant's contention that Prior Record Variable 1, MCL 777.51, was misscored.

The application for leave to appeal remains pending.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

January 21, 2009

Corbin R. Davis

Clerk